

# EXHIBIT F

## Matthew Scheck

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**From:** Matthew Scheck  
**Sent:** Monday, July 20, 2015 12:47 PM  
**To:** 'jjenkins@jmjenkinslaw.com'  
**Cc:** Isaac Nesser; Matthew Scheck  
**Subject:** Rescap--Sierra Pacific Counterclaim

Jonathan,

I emailed you on Friday to try to setup a call to discuss Sierra Pacific's counterclaim against RFC and the Rescap Liquidating Trust, and Isaac tried to call you today as well. Because the issue is significant and time sensitive, I thought it best to follow up by email.

In short, as RFC and the Trust set forth in their answer to the counterclaim (*see* Fourth Aff. Def.), Sierra Pacific's counterclaim asserts claims that were discharged in Rescap's bankruptcy plan, and which are now pending in violation of the bankruptcy plan's express injunction against such claims. Specifically, the counterclaim asserts claims purportedly arising out of pre-petition contracts, which are thus pre-petition claims that cannot be asserted unless Sierra Pacific preserved them by filing a timely proof of claim. It appears that Sierra Pacific did not file such a proof of claim despite having received notice of the deadline for filing proofs of claim, and notice of the Plan and Confirmation Hearing. Accordingly, the claims were discharged (*see, e.g.*, Confirmation Order ¶ 42), and Sierra Pacific is enjoined from pursuing the counterclaim (*see, e.g.*, Plan Art. IX(I)). *See also* Plan Art. IX(I)) ("Any person injured by any willful violation of this injunction shall be entitled to recover actual damages, including costs and attorneys' fees and, in appropriate circumstances, may recover punitive damages....").

We therefore request that Sierra Pacific withdraw its counterclaim immediately. If Sierra Pacific is unwilling to do so, we plan to file a motion to enforce the Plan Injunction in the Bankruptcy Court. Please let us know if you have any questions or would like to discuss further.

Best,

Matt

**Matthew Scheck**

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